

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KENNETH LEE FROST

§

VS.

§

CIVIL ACTION NO. 1:08cv65

RENADE R. MARTIN

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kenneth Lee Frost, proceeding *pro se*, filed the above-styled lawsuit pursuant to 42 U.S.C. § 1983 against Renade R. Martin, John Jackson, David Doughty and Gary Johnson. The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The defendants have filed a joint motion for judgment on the pleadings in which they ask that the claims asserted against defendant Martin in his official capacity, as well as the claims asserted against the remaining defendants in their official and individual capacities, be dismissed. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted and the claims described above dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion for judgment on the pleadings is **GRANTED**. The claims asserted against defendant Martin in his official capacity,

as well as the claims asserted against defendants Jackson, Doughty and Johnson in their official and individual capacities, are **DISMISSED**.

So **ORDERED** and **SIGNED** this **21** day of **September, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge